

ZB# 95-1

Frank Francan

14-1-13

Prelim.

Jan. 9 1995.

DEPD ~~to be~~ notified on 6/2/95

Short form - Eff here

Notice to Sentinel - 6/2/95

Motion to Sched.

P.H. Frank to sign H.P.

Deed 4

Photos 4

Title 4

Fee Pd. 4.

Public Hearing:

June 26, 1995.

Tabled to

July 10, 1995

1) for \$2 cents Prof.

2) Self-created

hardship

Re-convened P. H.:

~~July 10, 1995.~~

Aug. 14, 1995.

Sept. 11, 1996.

File

Variance

Approved 50

Refund \$69.00

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14653

1995

Received of

JF Construction Inc.

\$ 50.00

Fifty and 00/100

DOLLARS

For

ZBA 95-1

DISTRIBUTION:

FUND	CODE	AMOUNT
CLB#	1173	50.00

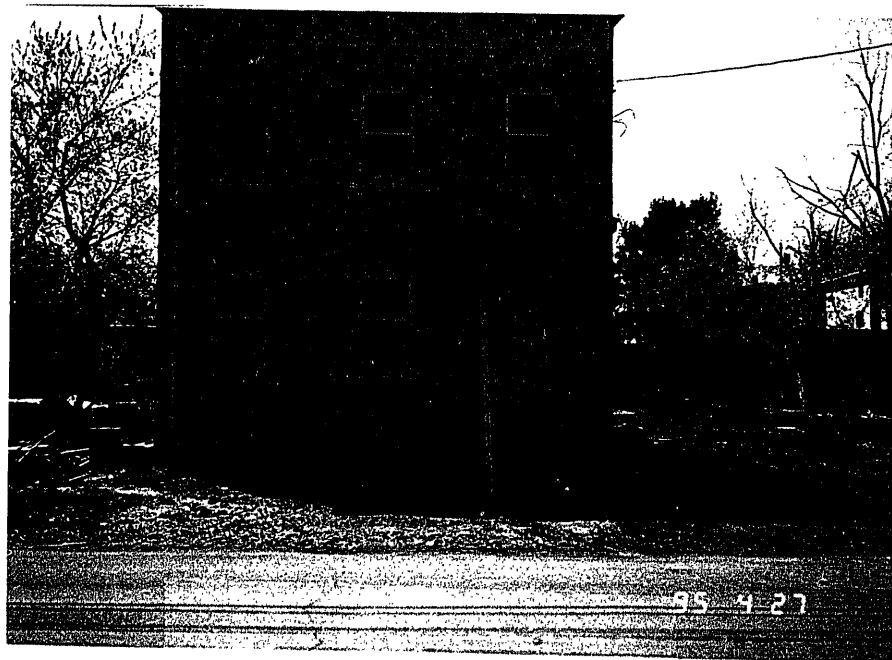
By

Dorothy H. Hansen

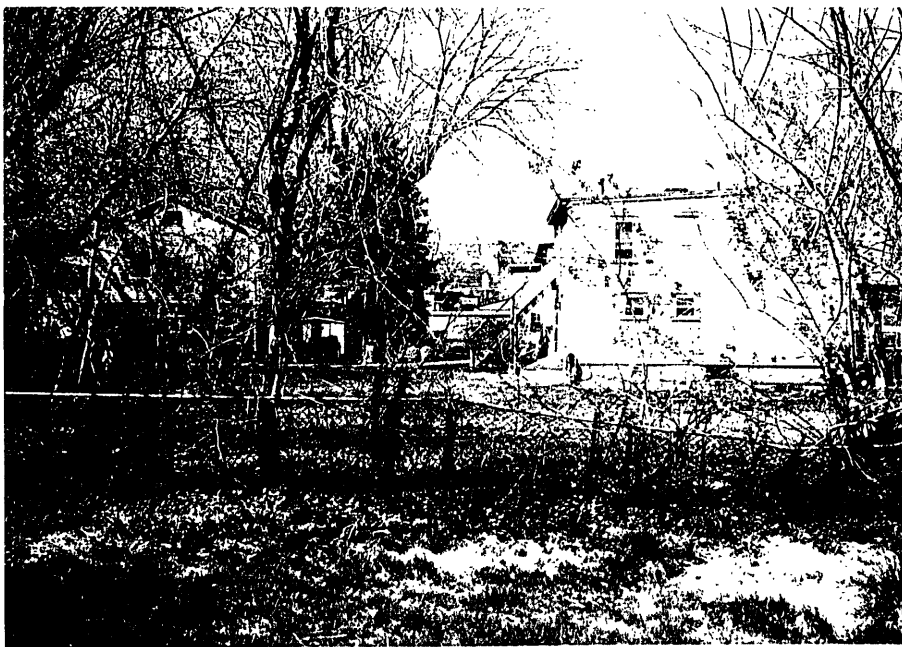
Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



11/11/1917, Frank
Lawn. dwelling in 1910s



Sept

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

Thank You

New Windsor, NY 12553

Charge: ZBA Escrow

ALLOWED

Refund of Escrow Deposit #95-1

\$ 69.40

Approved: Patricia A. Benhart
2BA.



2F CONSTRUCTION, INC.

FRANK G. FRANCAN
23 QUASSAICK AVE.
NEW WINDSOR, NY 12553

562-6712

1174

50-7222/2219

5/29 19 95

PAY
TO THE ORDER
OF

Three hundred

00 DOLLARS \$ 300.00

Town of New Windsor

Where 67 John Street

John A. Franca

ZBA-#95-1.

⑈001174⑈ ⑆221972221⑆ 01 20 000984⑈



2F CONSTRUCTION, INC.

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Town of New Windsor

Where 67 John Street

John A. Franca

ZBA-#95-1

⑈001173⑈ ⑆221972221⑆ 01 20 000984⑈

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Francan, Frank

FILE # 95-1.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 *pd*

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 *pd*
6/2/95.

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	<i>1/9/95 - 9 pages</i>	\$	<u>40.50</u>
2ND PRELIM. MEETING - PER PAGE	<i>6/26/95 - 10 pages</i>	\$	<u>45.00</u>
3RD PRELIM. MEETING - PER PAGE	<i>10/23/95 - 9 pages</i>	\$	<u>40.50</u>
PUBLIC HEARING - PER PAGE		\$	
PUBLIC HEARING (CONT'D) PER PAGE		\$	
TOTAL		\$	<u>126.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING-	HRS.	<i>1/9/95</i>	\$	<u>35.00</u>
2ND PRELIM.	HRS.	<i>6/26/95</i>	\$	<u>35.00</u>
3RD PRELIM.	HRS.	<i>10/23/95</i>	\$	<u>35.00</u>
PUBLIC HEARING	HRS.		\$	
PUBLIC HEARING	HRS.	(CONT'D)	\$	
TOTAL HRS. _____ @ \$ _____ PER HR.		\$		
TOTAL		\$	<u>105.00</u>	

MISC. CHARGES:

_____ TOTAL \$ 231.00

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND TO APPLICANT DUE . \$ 69.00

(ZBA DISK#7-012192.FEE)

-----x
In the Matter of the Application of

FRANK FRANCAN

DECISION GRANTING
USE VARIANCE

#95-1.
-----x

WHEREAS, FRANK FRANCAN, 23 Quassaick Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a use variance to allow a two-family residence at 67 John Street in a PI zone; and

WHEREAS, a public hearing was held on the 23rd day of October, 1995 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by himself and Jerald Fiedelholz, Esq. and Jane Alfidi, real estate broker; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The subject premises is a residence located in a PI zone in the Town of New Windsor.

(b) Notwithstanding the zone, it is located in a residential neighborhood containing one and two-family homes.

(c) The applicant proposes no changes to the exterior of the structure or to the parking lot.

(d) The applicant has taken no action with respect to the structure which would make it more or less non-conforming or effect its status with regard to zoning in any way.

(e) Although the neighborhood entirely consists of one and two-family homes, no residential use either single or multi-family is permitted under its current zoning.

(f) It appears that the structure was built in the period of approximately 1910 to 1915.

(g) The real estate broker testified that the parcel was unsuitable for any use permitted in the PI zone and is in fact too small to qualify for most of these uses.

(h) The real estate broker testified that if used for any of the currently allowed uses in the PI zone, the property has no value. There is no structure existing in the neighborhood that would attract office users.

(i) The size of the lot is approximately 50 ft. by 100 ft.

(j) The structure on the premises has approximately 5,000 sq. ft.

(k) No use exists under the Zoning Local Law for a 5,000 sq. ft. building other than for a residence.

(l) The lot would allow no parking.

(m) Even if the applicant were to remove the building, it was the opinion of the real estate broker that a vacant lot still would not be usable for any of the uses in a PI zone. The building has been vacant for more than a year so that any pre-existing, non-conforming status has been lost.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The applicant cannot realize a reasonable return provided the lack of return is not demonstrated by competent financial evidence.

2. Any hardship relating to the property in question is unique and does not apply to a substantial portion of the neighborhood.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood.

4. The alleged hardship has not been self-created.

NOW, THEREFORE, BE IT

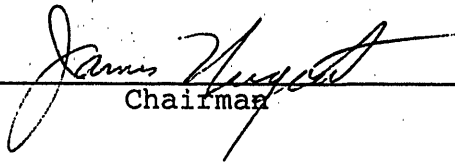
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a use variance to allow a two-family residence at 67 John Street in a PI zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 08, 1996.

(ZBA DISK#13-121495.FF)


Chairman

Date 12/25/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Ruth 147 Syracuse Dr DR.
New Windsor NY 12553

DATE			CLAIMED		ALLOWED	
12/23/95		Zoning Board Meeting	75	00		
		Misc - 2				
		Coloni - 11				
		McCartville - 3				
		Thomas - 3				
		Mylonas - 3				
		Francan - 9 40.50				
		Belle - 22				
		Dubetsky - 8	274	50		
		61				
			349	50		

PUBLIC HEARINGS:

FRANCAN, FRANK - DECISION

MR. NUGENT: Request for use variance to allow two-family residence at 67 John Street in a PI zone. Use not permitted.

Gerald Fiedelholz, Esq., Jane Alfidi of ERA Realty and Frank Francan appeared before the board for this proposal.

MR. FIEDELHOLTZ: Good evening, gentlemen, last time we were here, we were asked to explain what she found, this is Miss Alfidi, can you tell them?

MS. ALFIDI: I am an associate broker with ERA, I have been in real estate in the area for ten years and I researched the property after he bought it through another realtor and there is a lot, it's zoned PI zone for professional business offices and a lot of the surrounding homes in the area are multi-family and he's looking just to get a variance to take his and make it into a multi-family. He does have another lot in between the property that he owns that he would be able to use for parking for the multi-family.

MR. NUGENT: It's only two family, right, just two?

MS. ALFIDI: Yes.

MR. FIEDELHOLTZ: The other problem you have is when Frank bought the house, he felt at that time because it's multi zoned in the area he would have no problem to convert to the two family house and he intended to live there. But now he finds that he cannot move in, that he wouldn't be able to do what he wants now--what's the mortgage?

MR. FRANCAN: \$50,000 mortgage.

MR. FIEDEHOLTZ: And since the area, it's completely almost all multi-family dwellings here so it would not change the structure of the area at all by allowing him to have a two-family house. And hardship he has

basically is what, when he bought the place, he thought he would have the right to put in a two-family house, is that correct?

MR. FARNCAN: Right.

MR. FIEDELHOLTZ: And he came to find out, find out that because it's PI, therefore would he not be able to put a two-family house without a variance so that is our problem right now. It will not change the area. In fact, it will problem improve the area. He does very proper parking for a two-family house, is that correct?

MR. FRANCAN: Yes.

MR. TORLEY: What was the structure before you bought it, what was it being used for?

MR. FRANCAN: I believe single family.

MR. FIEDELHOLTZ: It was non-liveable conditions at that time when he bought it, he had to take the whole thing apart.

MR. KRIEGER: Have you made any changes to the exterior of the house?

MR. FRANCAN: No, sir.

MR. KRIEGER: Or the lot?

MR. FRANCAN: No.

MR. KRIEGER: They are the way they were when you bought them?

MR. FRANCAN: Right, minus the garbage.

MR. FIEDELHOLTZ: He will not make any change of the exterior or to the parking lot.

MR. FRANCAN: No.

MR. TORLEY: Thinking pre-existing non-conforming?

MR. KRIEGER: Self-created and apparently, he hasn't done anything to make it self-created so that satisfies that criteria.

MR. KANE: Single family is an allowable use in that zone.

MR. NUGENT: No, no residence is allowed.

MR. TORLEY: It would have been pre-existing.

MR. FIEDELHOLTZ: That is one of the problems we have.

MR. LANGANKE: How old is the house?

MR. FRANCAN: I believe built in 1910, around 1910.

MR. LANGANKE: 1910?

MR. FRANCAN: Around 1915, I believe.

MR. TORLEY: How long was it vacant?

MR. FRANCAN: Well over a year.

MR. FIEDELHOLTZ: It was a mess, he had to clean the whole place out. It was an eyesore.

MR. FRANCAN: No, it was pretty much an eyesore, I was left with a garbage pile pretty high out back and along the sides.

MR. FIEDELHOLTZ: By doing what he did, he did improve the neighborhood.

MR. KANE: In your opinion, what would his chances be of using that property for existing uses, could he sell that for--

MS. ALFIDI: For a multi-family, yes.

MR. TORLEY: For uses permitted in a PI zone.

MS. ALFIDI: Oh, for business, there's really, except

for the small lot that he has in between the property that is suitable for two cars for tenants but for him to do a business that would need adequate parking, it's not efficient. There's no parking so for the uses that it permits, professional offices, manufacturing, where are you going to park?

MR. KANE: And to convert that property to any existing use right now would be cost prohibitive.

MS. ALFIDI: Pretty much impossible.

MR. KRIEGER: There is no market for any of the existing uses, it has zero value?

MS. ALFIDI: Exactly.

MR. KANE: There are no other professional buildings in that particular area right now?

MS. ALFIDI: There used to be a pool and spa place across the street. There's a little like a deli store up the road, Gus's Ravern that is a restaurant but there's all different types.

MR. KANE: Nothing that is going to draw in a professional crowd to put in an office building?

MS. ALFIDI: No, not at all.

MR. REIS: It's a deteriorated area.

MR. LANGANKE: Can we see the pictures?

MR. KANE: Yes.

MR. REIS: What he intends to do with it, it's going to enhance the neighborhood.

MR. NUGENT: What's the actual physical size of this lot? Do you have that?

MR. FRANCAN: It's 100 by 100.

MR. NUGENT: A hundred by a hundred including the lot?

MR. FRANCAN: Well, the actual size of the lot the house sits on is 50 by 100.

MR. NUGENT: And 50 by 100 where the house sits?

MR. BABCOCK: Section block and lot that we're dealing with is 50 foot wide by 100 foot long, that is where the house sits. The property we're dealing with tonight is 50 by 100, that is correct.

MR. NUGENT: That is not even close to anything.

MR. BABCOCK: It's 5,000 square feet, there's nothing that, there's no requirements anywhere except for a single family home in a 5,000 square foot range.

MR. TORLEY: Everything else is five acres to ten acres, 40,000 square foot. Ma'am, so for the record, when you, I don't know if you can see this or not, you may be familiar enough with the PI zone, those are the permitted uses in a PI Zone, it would be your professional opinion that this structure and lot would have essentially zero value for any of those permitted uses?

MS. ALFIDI: Well, yeah, there is no parking, it's a small lot mainly because of the lack of the adequate parking for the area, we have this over when I did this in July.

MR. KRIEGER: With the size of lot, even if he were to somehow remove the building and make it a vacant lot, it still wouldn't be usable for any of those uses even for a vacant lot you'd build fresh.

MS. ALFIDI: Right, it's only 50 by 100 and there's similar properties that are 50 by 100 that are multi-family, it may be pre-existing zone, I'm not sure or they have got variances for them.

MR. LANGANKE: How does this exist, Mike, is there a zone change there or why do we have this?

MR. BABCOCK: I think that this is a non-conforming

building that is in a zone, I'm sure this building was there long before zoning pre-existing and as we know it, as a single family and that is why we said might in our paperwork we put down that the existing use is single family and intended use would be two family.

MR. TORLEY: But if--

MR. BABCOCK: Right now, it's nothing, I understand, you know.

MR. TORLEY: And it has been vacant for too long, even if you kept it as a single family house, has it been vacant long enough that it would lose it's pre-existing non-conforming status.

MR. BABCOCK: No.

MR. KRIEGER: Let me, Miss Alfidi, let me ask you this, would there be any market for this house as a single family house, hypothetically, could it be sold as a single family house?

MS. ALFIDI: Not without the adjacent lot. It's just, it's a very depressed area over there. Anything, that part of New Windsor is in need of residential rental properties, too, I mean there's really hardly any rental property.

MR. KRIEGER: It would be unmarketable even as a single family house.

MS. ALFIDI: Yeah, I would say.

MR. KRIEGER: If it had the adjacent lot with it, what would it bring as a single family house?

MS. ALFIDI: I did the comps, depending the way it sits now.

MR. TORLEY: You did the what?

MS. ALFIDI: I did a comparative marketing analysis on the property, you're like somewhere between 45 and 50, that is it, I mean it's, you know, it's completely

guttled, you know, he's doing a little bit of work, you know, cleaning out the outside, this, that and the other thing.

MR. KRIEGER: That is its present value?

MS. ALFIDI: Yes. But in the future, if it does have it as two-family home and sells it along with the lot in the future, I think that would be the highest and best use for the property.

MR. KRIEGER: You say 45 to 50, generally speaking what's the average price for a single family home in New Windsor?

MS. ALFIDI: The average price is around right now about 122,500.

MR. TORLEY: And as a professional, you would even at that price you would find it difficult to move the structure as it stands?

MS. ALFIDI: At 50?

MR. TORLEY: Yeah, without leaving out the lot, just that one spot.

MR. KANE: I think that is shown by them not being occupied in over a year right there.

MS. ALFIDI: That is why Frank had purchased it to, you know--

MR. FRANCAN: Hopes to--

MS. ALFIDI: --do what he is trying to do now.

MR. LANGANKE: You assume that because there are multi-family homes in the immediate neighborhood that this would be a natural thing for your house.

MR. FRANCAN: Yeah, being unfamiliar with all this, I appreciate all the time the board has taken on this matter and everything, I didn't really fully understand the length at which I had to go and just seeing and

taking pictures of this behind me and on the side of me, down the street and on the other side of me, the one house is a four family, the other house is two family, behind me is three family that, you know, this, you know, she said that that was kind of like something that you could pursue or would be helpful so I guess I'm--

MR. LANGANKE: Andy, would you enumerate the criteria we're trying to meet here again?

MR. KRIEGER: You want me to read them or you want to--

MR. LANGANKE: Let me see.

MR. TORLEY: Andy, in your opinion as our attorney, have you received a sufficient level of detail on the record to make?

MR. KRIEGER: To justify granting, yes, the answer is yes.

MR. NUGENT: I will close the public hearing.

MR. KRIEGER: I assume that was going to be Mike's motion.

MR. REIS: Make a motion we close the hearing and if I can amend that motion to grant Frank Francan a variance for a two family residence at 67 John Street.

MR. NUGENT: The record should show there was no one in the audience.

MR. KANE: I'll second it.

ROLL CALL

MR. KANE	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. FRANCAN: Thank you for all your time.

October 23, 1995

30

MR. FIEDELHOLTZ: Thank you.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

95-1

Date: 6/7/95

I. ✓ Applicant Information:

- (a) FRANK G. FRASCH 23 Quannick Ave, New Windsor 562-6712
(Name, address and phone of Applicant) (Owner)
- (b) SAME
(Name, address and phone of purchaser or lessee)
- (c) TERNO FIDELHOLTZ, P.C. P.O. Box 4088 270 Quannick Ave
(Name, address and phone of attorney) NEW WINDSOR, N.J. 07855
- (d) SAME
(Name, address and phone of contractor/engineer/architect)

II. Application type:

(☒) Use Variance

(☐) Sign Variance

(☐) Area Variance

(☐) Interpretation

III. ✓ Property Information:

- (a) P.D. 67 JOHN STREET 14-1-13 50 X 100
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 10/7/94
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when?
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. ✓ Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) CONVERSION FROM 1-FAMILY RESIDENCE TO 2-FAMILY RESIDENCE

N/A
whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) ✓ The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

SINGLE FAMILY HOUSE LOCATED IN P I ZONE - PARCEL IS 100 X 100 IN SIZE, CANNOT SELL PROPERTY AS ZONED BECAUSE PARCEL IS TOO SMALL TO MEET REQUIREMENTS IN A PLANNED RESIDENTIAL ZONE, CAN ONLY USE FOR RESIDENTIAL

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A.

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

N/A
(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)



COUNTY OF ORANGE

JOSEPH G. RAMPE
COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (914) 294-5151, EXT. 1770 FAX: (914) 294-3546

PETER GARRISON, COMMISSIONER

ORANGE COUNTY DEPARTMENT OF PLANNING
239 L, M OR N REPORT

Rec'd office
ZBA office
6/30/95.
(PAB)

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by:

OCDP Reference No.: NWT 6-95-M
County I.D. No.: 14-1-13

Town of New Windsor

Applicant:

Frank Francan

Proposed Action:

Use Variance - Renovate for 2 Family Use

State, County, Inter-Municipal Basis for Review:

Within 500' of US Hwy. #9W.

Comments:

There are no significant inter-community or countywide considerations to bring to your attention.

Related Reviews and Permits:

County Action: Local Determination X

Disapproved

Approved

Approved subject to the following modifications and/or conditions:

Date:
6/26/95


Deputy Commissioner

Date 6/28/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
6/1/95		Dining Board Meeting	75 00	
		Misc. - 3		
		Dayton - 5		
		Dubetsky - 8		
		Roberts - 4		
		MCB - 7		
		Brown - 4		
		JaroscaK - 4		
		Rhodes - 14		
		Trifilo - 3		
		Francan - 10 45.00		
		Brisman - 5	337 50	
		ELTS - 8	412 50	
		75.00		

~~FRANCAN, FRANK~~

MR. NUGENT: Request for use variance to allow two-family residence at 67 John Street in a PI zone. Use not permitted.

Jerald Fiedelholz, Esq. and Frank Francan appeared before the board for this hearing.

MR. NUGENT: Is there anybody in the audience for the next public hearing?

MR. TORLEY: Besides the applicant, there's no one in the audience.

MR. NUGENT: Make a note that there is no one in the audience.

MS. BARNHART: For the record, I sent out 46 addressed envelopes to adjacent property owners on June 2, 1995.

MR. FIEDELHOLTZ: For the record, we have the title policy, we don't have the deed as the property was purchased October 6, '94 we haven't received the deed back.

MS. BARNHART: I have a copy of the deed, yes.

MR. NUGENT: Go ahead.

MR. FIEDELHOLTZ: The property itself where it is located, PI, the surrounding houses are all multiple dwelling, how many altogether, four multiple dwelling houses. And the only house that is not is his, is that correct?

MR. FRANCAN: And one other one.

MR. FIEDELHOLTZ: The house consists of ten rooms, he has a 50 by 100 side yard for parking, no problem at all. Now, unfortunately, the hardship is the fact that he can't sell the property because it's in a PI zone so his feeling is he'd like to make two family, no change in the house except in size.

MR. FRANCAN: Some of the walls are not there, some of the pieces are trying to renovate, put back together again.

MR. FIEDELHOLTZ: If you wish, we do have photographs of the area showing the various houses.

MR. FRANCAN: I was also asked to take picture of anything that would be industrial that would, might not fit on the lot so I have other pictures.

MR. TORLEY: Is this survey?

MR. FRANCAN: Correct.

MR. REIS: Frank, you said that you are not going to be extending the exterior of the building in any way?

MR. FRANCAN: No, sir.

MR. REIS: Jim, if I can make a comment about this property, I know it well. Right up across the street, there's a commercial building, he's on a double lot there, what he is requesting in my opinion fits very comfortably into the neighborhood.

MR. TORLEY: How big is the lot altogether?

MR. NUGENT: How big is the actual lot?

MR. FRANCAN: 100 foot deep by 185.

MR. NUGENT: Across the front is 102. So you have four, 25 foot lots.

MR. FRANCAN: Looks like it.

MR. FIEDELHOLTZ: This house was also built before zoning, it's pre-zoning house.

MR. REIS: Michael, I believe it's accurate that with a building permit, the applicant could build a separate single family dwelling in that location because of the second lot?

MR. BABCOCK: I didn't look at that, I haven't researched that at all. It's a PI zone so actually you would not be able to, it's single, single family would not be permitted in a PI zone.

MR. REIS: Well, if we have an existing use there so from that point of view, with the existing minimum requirements for single family home.

MR. BABCOCK: Well, it would be the same as he's got right now.

MR. KRIEGER: How does it show now, is it pre-existing non-conforming use as single family home?

MR. BABCOCK: That is correct.

MR. NUGENT: If you look at the other, I just looked at this drawing here, houses that are in back of his lot which adjoin his property are all multi-family houses, right?

MR. FRANCAN: That is correct.

MR. FIEDELHOLTZ: Yes.

MR. KRIEGER: There are multi-family houses?

MR. NUGENT: This is all his lot, I'm looking at those names cause I happen to know them.

MR. REIS: To the east and west of that property there are multi-family homes.

MR. KRIEGER: And you just said to the south is a multi-family home as well?

MR. FRANCAN: Yes.

MR. FIEDELHOLTZ: In the back is multi-family home, as well.

MR. NUGENT: What used to be Diamond Candle's office, is that occupied?

MR. REIS: No, it's vacant.

MR. TORLEY: Where is the nearest non-residential structure here?

MR. FIEDELHOLTZ: Across the street.

MR. NUGENT: On the corner.

MR. FIEDELHOLTZ: Used to be the candle factory.

MR. NUGENT: Also, one on both corners, there's the billiard place and the guy that does the chairs.

MR. FRANCAN: Correct, with the plastic on the roof.

MR. KRIEGER: Pat, do we have an environmental assessment form in the file?

MS BARNHART: Yes, we do.

MR. KRIEGER: Before the, just for your advice, Mr. Chairman, procedurally, before the board proceeds to a vote on this application, it is necessary in order to comply with SEQRA that it first assume the position of lead agency. This all has to be done by motion and then decide whether or not there is going to be a negative or positive dec. A negative dec ends the SEQRA process. It's a finding by the board that there is no environmental impact to be considered. A positive declaration means that the application has to be held up and further information will have to be submitted with respect to its environmental impact. So a motion to take lead agency would be the first step.

MR. TORLEY: I move we take lead agency status with regard to the SEQRA.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE

MR. NUGENT AYE
MR. REIS AYE

MR. KRIEGER: Now, if that were not approved, it wouldn't be simple. Now, you may want to, Mr. Chairman, you may want to entertain a motion whether to declare a negative dec on this project.

MR. TORLEY: May I see the form first?

MR. NUGENT: Sure.

MR. REIS: Call for the motion?

MR. NUGENT: Let them look at it for a minute.

MR. KANE: I move that we declare a negative dec under SEQRA process for the Francon application.

MR. REIS: Second it.

ROLL CALL

MR. KANE AYE
MR. LANGANKE AYE
MR. TORLEY AYE
MR. NUGENT AYE
MR. REIS AYE

MR. TORLEY: We're required to have to show that we have met all the criteria, the first criteria where is the proof that this cannot be used for any permitted purpose, reasonable return for any purpose?

MR. FIEDELHOLTZ: It's in a PI zone.

MR. TORLEY: Andy has said that we're required by state law such that we have dollars and cents proof that it cannot be.

MR. FIEDELHOLTZ: He hasn't said that yet.

MR. TORLEY: Previous times.

MR. FIEDELHOLTZ: Somebody else. We're saying here

that because the hardship is, he can't do anything with the property as far as industrial is concerned, he can't put industry unit in there, it's a house, plus the fact that the location itself is not adequate for housing, is that correct?

MR. FRANCAN: Correct.

MR. TORLEY: Andy, you want to help us?

MR. KRIEGER: Let me ask a couple questions, if I may. Has the applicant ever attempted to market this as a professional business, executive and administrative offices and buildings, have you ever tried to do that?

MR. FRANCAN: No, sir, just inquired about it. I was told I did not have enough room to prove that.

MR. KRIEGER: Who told you that?

MR. FRANCAN: The board.

MR. KRIEGER: No, they didn't, that you didn't have enough room to use this as a professional business, executive and administrative offices and buildings that the building wasn't suitable?

MR. FRANCAN: Correct, that was what you explained to me, that is why you had told me I needed to get industrial proof in this pictures to fit something on that lot industrial.

MR. TORLEY: May have been a miscommunication in that.

MR. KRIEGER: I think so.

MR. TORLEY: Perhaps it would be in order to, can we open and close the public hearing and then table this for the next meeting.

MS. BARNHART: We probably will have to anyway because we haven't heard from Orange County Planning yet and I notified Orange County Planning on June 2 when I received the application for Mr. Francan so we have to allow 30 days, don't we?

MR. KRIEGER: Yes.

MS. BARNHART: So the time would be up on July 2nd, you guys can do whatever you want with that.

MR. TORLEY: The reason that may operate in your favor as I understand from my reading of the State Code we're required to have a dollars and cents proof of the inability to get a reasonable return for this property with any permitted use in an industrial zone and you'd have to step through each one and say for a function X I can only get \$2.00, some number.

MR. KRIEGER: Or it has substantially no value but you have to go through them.

MR. TORLEY: And we're stuck, state law says we have to have that or we can't say yes.

MR. FIEDELHOLTZ: What kind of proof you want dollars and cents wise?

MR. KRIEGER: Well, you have to have--

MR. FIEDELHOLTZ: I think it's all conjecture, really, what can you do with the property.

MR. KRIEGER: Conjecture, I don't know. An appraiser's opinion, for instance, may be deemed by some to be conjecture, by others to be opinion. It's a different matter. It is entirely possible that this building will not, cannot be sold, has no value for any of the items listed that somebody has, you have to have an expert to say so, somebody who knows. With some of the uses, you may have, they may have attempted to market it in the past before this gentleman owned it or I understand he just acquired it, they may have attempted to market it for some of these other purposes. You may have had somebody who attempted to market it for any permitted use and got no interest. That would be a testimony as to its value in dollars and cents proof, the dollars and cents would be zero in that case. But those uses have--

MR. TORLEY: And you have to demonstrate that there was a sincere effort to market it.

MR. KRIEGER: Once the dollars and cents proof are submitted before the board, the persuasiveness of that proof is a matter for the board. So he's just asking me in terms of meeting the threshold to present it to the board as opinions or evidence submitted before the board is for its determination as to its value or lack thereof.

MR. FIEDELHOLTZ: What type of proof are you looking for? Basically you want an appraiser to come in and say it's worth X amount of dollars or not worth?

MR. KANE: That they couldn't get it, there'd be no way they'd be able to sell that as a professional building.

MR. KRIEGER: To say what its value, currently what its value of what the value of the building would be if you used it for any of those purposes.

MR. KANE: Mike, is there a way to get a listing of the uses for the property?

MR. BABCOCK: Sure, it's the PI zone.

MR. KANE: No, I mean for the applicant, a copy so, you know, what the uses are, you know to address.

MR. FIEDELHOLTZ: You want a statement from the appraiser stating that it can't be sold for these particular uses, is that what you're looking for?

MR. NUGENT: Basically.

MR. TORLEY: Or is that what his professional assessment of its value as an executive business or whatever?

MR. KRIEGER: The problem now I heard him say a statement, the problem is that the board cannot question a statement so if it is found to be inadequate or at least not sufficient and sufficiently clear that any member of the board wants to ask clarifying

questions and you don't have a witness here.

MR. FIEDELHOLTZ: So you want the appraiser here or just want the--

MR. KANE: Here would be better.

MR. NUGENT: He don't have to be, if you have a letter from him.

MR. KRIEGER: No, his statement, it's the same rules as apply in court, a notarized statement is of limited use for the same reasons.

MR. FIEDELHOLTZ: Let me ask you time wise, we have to wait 30 days, is that correct?

MS. BARNHART: No, the application was sent out on the second of June, so we have till the second of July, you can make a motion to put it on the next agenda, that would be July the 10th, if you think you could be prepared by then.

MR. FIEDELHOLTZ: I think we can.

MR. NUGENT: I'll accept a motion to table this.

MR. KANE: Mr. Chairman, I move that we table this discussion on the use variance for Mr. Francon until the next meeting on July 10th.

MR. TORLEY: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. REIS	AYE

MR. KRIEGER: It will not be necessary at the next time to go through the public hearing portion, we've already done that.

MR. NUGENT: Right.

MR. FIEDELHOLTZ: In other words, present the affidavit that will be the next step and then the board can vote the way they want?

MR. KRIEGER: What I am saying the public hearing portion hearing for the public is done. Application is continued, you may submit such evidence as I have with respect to the uses of the property or the lack thereof, their viability and the floor will still be open to you to submit anything else you want before the board decides their intention.

MR. TORLEY: One other thing I would appreciate some input on, one of the killer criteria is self-created hardship, having purchased this structure knowing it is a PI zone, how do you deflect the charge of self-created hardship?

MR. FIEDELHOLTZ: We'll come to that.

MR. NUGENT: He will address it.

MR. FIEDELHOLTZ: Because the PI zone does have tremendous affect on the residents.

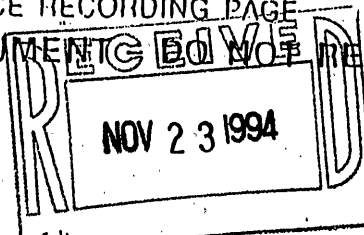
ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

JOHN BIDOSKY, III

TO

FRANK FRANCAN



SECTION 14 BLOCK 1 LOT 11, 12, & 13

RECORD AND RETURN TO:
(Name and Address)

Jerald Fiedelholz, P.C.
P.O. Box 4088
270 Quassaick Avenue
New Windsor, New York 12553

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 62346 DATE 10-6-94 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED / MORTGAGE SATISFACTION ASSIGNMENT OTHER

BG20 Blooming Grove
CH22 Chester
CO24 Cornwall
CR26 Crawford
DP28 Deepark
GO30 Goshen
GR32 Greenville
HA34 Hamptonburgh
HI36 Highlands
MK38 Minisink
ME40 Monroe
MY42 Montgomery
MH44 Mount Hope
NT46 Newburgh (T)
NW48 New Windsor ✓
TU50 Tuxedo
WL52 Wallkill
WK54 Warwick
WA56 Wawayanda
WO58 Woodbury
MN09 Middletown
NC11 Newburgh
PJ13 Port Jervis
9999 Hold

SERIAL NO.

Mortgage Amount \$

Exempt Yes No

3-6 Cooking Units Yes No

Received Tax on above Mortgage

Basic \$

M1A \$

Spec. Add. \$

TOTAL \$

CHECK / CASH CHARGE

MORTGAGE TAX \$

TRANSFER TAX \$ 220-

ED. FUND \$ 5.00

RECORD. FEE \$ 14-

REPORT FORMS \$ 30-

CERT. COPIES \$

JOAN MACCHI
Orange County Clerk

by: LS

ORANGE COUNTY CLERK'S OFFICE S.S.

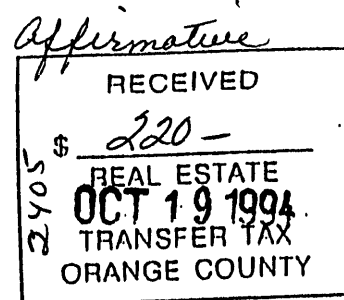
Recorded on OCT 19 1994

at 2:59 O'Clock PM

In Liber/Filin 425

at page 336 and examined.

County Clerk



• ORG 10/19/94 02:59:46 48599 44.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 62346 220.00 *

***** SERIAL NUMBER: 002405 *****

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 6th day of OCTOBER, nineteen hundred and ninety-four
BETWEEN John Bidosky, III, presently residing at P.O. Box 274,
Mountainville, New York 10953,

party of the first part, and Frank Francoan, presently residing at 243 Vails Gate
Heights, New Windsor, New York 12553,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----TEN-----

-----(\$10.00)----- dollars,

lawful money of the United States, & other good & valuable considerations paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors
and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and
being in the

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly line of John Street, said point shown as the northwesterly corner of Lot #10 on a map of lands of D.P. Kelly, deceased, New Windsor, New York December 1892, said map made by Caldwell and Garrison, Newburgh, New York and filed in the Orange County Clerk's Office, January 7, 1893, said point located 290.62 feet on a course of South 85 degrees 30 minutes East from the intersection of the easterly line Quassaick Avenue with the southerly line of John Street, thence from said point of beginning along the street line South 85 degrees 30 minutes East, 100.00 feet to a point marked by a large pipe in a tree, thence South 04 degrees 30 minutes West, mostly along a chain link fence, 100.00 feet to a fence corner, thence parallel with the street line North 85 degrees 30 minutes West, 100.00 feet to a point, thence North 04 degrees 30 minutes East, 100.00 feet to a point on the southerly line of John Street and the point of beginning, together with all adjoining gores & strips of property including any parcels which may have been acquired through adverse possession.

SUBJECT to covenants, easements, restrictions and agreements of record if any.

BEING and intended to be the same premises conveyed by Sophie Bidosky, Patricia Lenz, Marie Reeves and John Bidosky, III to John Bidosky, III by Deed dated March 1, 1984 and recorded in the Orange County Clerk's Office on March 5, 1984 in Liber 2277 of Deed at page 230.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

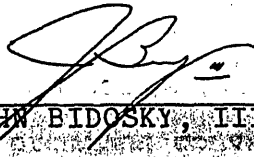
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



JOHN BIDOSKY, III L.S.

LIBER 4125 PAGE 338

SS:

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the
of

in and which executed the foregoing instrument; that _____ he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that _____ he signed his name thereto by like order.

On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and say
that he resides at No.

that he is the
of

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No.

JOHN BIDOSKY, III

TO

FRANK FRANCAN

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded at Request of COMMONWEALTH LAND
TITLE INSURANCE COMPANY

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by



Commonwealth.
Land Title Insurance Company.

Jerald Fiedelholz, P.C.
P.O. Box 4088
270 Quassaick Avenue
New Windsor, New York 12553

Zip No.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>FRANK FRANCON</u>		2. PROJECT NAME <u>FRANK FRANCON HOME</u>	
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>ORANGE</u>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>INTERSECTION OF JOHN STREET W/ RT 9W ONE WAY STREET</u> <u>GOES AVERN, GO TO LEYARD ST MAKE LEFT AT END OF</u> <u>STREET 4 HOUSE ON LEFT 67 JOHN STREET, NEW WINDSOR</u>			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <u>TO MAKE A LIVABLE RESIDENCE, ONE FAMILY ORIGINAL TO</u> <u>2 FAMILY RESIDENCE.</u>			
7. AMOUNT OF LAND AFFECTED: Initially <u>100 x 100 LOT</u> acres Ultimately _____ acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>PLANNED INDUSTRIAL ZONE, NEED USE PERMITS</u>			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <u>Frank C. Francon</u>		Date: <u>JUNE 2, 1995</u>	
Signature: <u>[Signature]</u>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <div style="margin-left: 40px;">NO ACTION CAN RESULT</div>	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <div style="margin-left: 40px;">NO CHANGE IN LOOK OF LAND AREA, SAME</div>	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <div style="margin-left: 40px;">N/A - NO ACTION</div>	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <div style="margin-left: 40px;">NO ACTION CAN RESULT</div>	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly. <div style="margin-left: 40px;">NO ACTION CAN RESULT</div>	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly. <div style="margin-left: 40px;">NO ACTION CAN RESULT</div>	
C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly. <div style="margin-left: 40px;">NO OTHER ACTION OR IMPACTS CAN RESULT</div>	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Zoning

Town of New Windsor Building Department
Name of Lead Agency

Supervisor or Building Inspector or Zoning Board
Print or Type Name of Responsible Officer in Lead Agency

John D. [Signature]
Title of Responsible Officer

[Signature]
Signature of Responsible Officer in Lead Agency

6/1/95
Date

[Signature]
Signature of Preparer (if different from responsible officer)

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(46)

May 3, 1995

Mr. Frank Francan
243 Vails Gate Heights Drive
New Windsor, N. Y. 12553

Re: Tax Map Parcel #14-01-13

Dear Sir:

According to our records, the attached list of property owners are within five Hundred (500) feet of the above-referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00, leaves a balance due of \$40.00.

Sincerely,

LESLIE COOK
Sole Assessor

/pab
Attachment
cc: Patricia A. Barnhart

Curtin, Thomas J. & Donna
17 Winchester Way
Washingtonville, N. Y. 10992

Mitchell, Roland, Sr. & Marie E.
87 John Street
New Windsor, N. Y. 12553

Jimenez, Jorge L. & Isabel
85 John Street
New Windsor, N. Y. 12553

Torraco, Claudia
83 John Street
New Windsor, N. Y. 12553

Tinardo, Marta
79 John Street
New Windsor, N. Y. 12553

Palumbo, Alfred E. & Margaret M.
186 Caesars Lane
New Windsor, N. Y. 12553

Kroun, Ira
57 John Street
New Windsor, N. Y. 12553

Bosacky, Victor & Alice W.
15 Ledyard Street
New Windsor, N. Y. 12553

Bosacky, Frank
15 Ledyard Street
New Windsor, N. Y. 12553

Rumsey, Mira Ellen
% Mira Ellen Blythe
7 Perry Street
Morristown, N. J. 07960

Anderson, Ernestine
Torelli, Carman L.
27 Ledyard Street
New Windsor, N. Y. 12553

Grevas, Brenda
Route 1, Box 270-1A
Hays, N. C. 28635

Reeves, Edward C.
19 Quassaick Avenue
New Windsor, N. Y. 12553

Deyo, Dennis P.
R.R. 5, Todd Lane
Newburgh, N. Y. 12550

Sloboda, Henry P. X
48 John Street
New Windsor, N. Y. 12553

American Felt & Filter Co. X
34 John Street
New Windsor, N. Y. 12553

Ostner, Richard G. & Linda S. X
66 Union Avenue
New Windsor, N. Y. 12553

Ostner, Richard A. X
82 Bethlehem Road
New Windsor, N. Y. 12553

Catalano, Toni Ann X
P. O. Box 4139
New Windsor, N. Y. 12553

Acquaro, Salvatore X
16 Hillside Avenue
New Windsor, N. Y. 12553

Petro, Marie X
24 Stori Road
Newburgh, N. Y. 12550

Cleeves, David X
8 Bridge Street
Cornwall, N. Y. 12518

Bianco, Patrick X
90 Frozen Ridge Road
Newburgh, N. Y. 12550

Maldonado, Hermino & Zelandia X
44 Quassaick Avenue
New Windsor, N. Y. 12553

Cook, Viviane X
72 Valley Avenue
Newburgh, N. Y. 12550

Messina, Carmine & Helen X
88 Blooming Grove Tpk.
New Windsor, N. Y. 12553

Mitchell, Glen T. X
Bernieri, Eugene H.
Sabino, Arnold
501 Balmoral Circle
New Windsor, N. Y. 12553

Frank H. Reis Realty Corp. X
79 N. Front Street
Kingston, N. Y. 12401

Traver, George & Bertha
26 Quassaick Avenue
New Windsor, N. Y. 12553

Robare, Maryam
221 Walsh Avenue
New Windsor, N. Y. 12553

Camacho, Jose D. & Victoriana D.
Acosta, Oscar Luis
217 Walsh Avenue
New Windsor, N. Y. 12553

Ritz, Ferdinand A.
211 Walsh Road
New Windsor, N. Y. 12553

Piqueras, Joseph, Jr. & Cecelia
18 Spring Rock Road
New Windsor, N. Y. 12553

Ferguson, Ann
Szloboda, John J.
14 Ledyard Street
New Windsor, N. Y. 12553

Sloboda, Mathias J.
Hryniewicz, Gloria C.
4 Ledyard Street
New Windsor, N. Y. 12553

Abbott, Margaret K.
98 Gardnertown Road
Newburgh, N. Y. 12550

Weyant, Esther L. & Vincent K.
35 Kleitz Avenue
Highland Falls, N. Y. 10928

Saffioti Bros. Inc.
61 Quassaick Avenue
New Windsor, N. Y. 12553

Dubetsky, Francis
89 Harrigan Road
Hopewell Jct., N. Y. 12533

Espana, Mario A. & Ezenia
57 Quassaick Avenue
New Windsor, N. Y. 12553

Orzechowski, Zygmunt & Stella
61 Blanche Avenue
New Windsor, N. Y. 12553

Gray, Arthur E.
45 Quassaick Avenue
New Windsor, N. Y. 12553

Naraghi, Masud N.
70 John Street
New Windsor, N. Y. 12553 X

Twin Bridge Group Inc.
% Roskoski & Otto X
710 Broadway
Newburgh, N. Y. 12550

Grevas, Brenda
921 Maple Grove Church Road X
Hays, N. C. 28635

Paffendorf, Brewster H. & Geraldine C.
1 Quassaick Avenue
New Windsor, N. Y. 12553 X

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 95-1

1. Municipality Town of New Windsor Public Hearing Date 6/26/95

☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board of Appeals

2. Applicant: NAME Frank Francon

Address 243 Vails Gate Hgts. Drive, New Windsor, NY.

Attorney, Engineer, Architect N/A

3. Location of Site: 67 John Street - near Quassaick Ave.
(street or highway, plus nearest intersection)

Tax Map Identification: Section 14 Block 1 Lot 13

Present Zoning District P.2. Size of Parcel 100 x 100 ±

4. Type of Review:

☐ Special Permit Use* _____

☒ Variance* Use to renovate for Two-Family use
Area _____

☐ Zone Change* From: _____ To: _____

☐ Zoning Amendment* To Section: _____

☐ Subdivision** Major _____ Minor _____

6/2/95
Date

Patricia A. Banhart, Secy.
Signature and Title ZBA

*Cite Section of Zoning Regulations where pertinent

**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 1

Request of Frank Francan

for a VARIANCE of the Zoning Local Law to permit:

two-family residence in a P.I. (Planned Industrial) zone;

being a VARIANCE of Section 48-9-Table of Use/Bulk
Regs. - Col. A

for property situated as follows:

67 John Street, New Windsor, N.Y.

known as tax lot Section 14 Block 1 Lot 13.

SAID HEARING will take place on the 26th day of June,
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P.M.

James Nugent
Chairman

January 9, 1995

12

q = 40.30

FRANCAN, FRANK

MR. NUGENT: Request to convert single family to two-family residence in PI zone located at 67 John Street (14-1-13)

Mr. Frank Francan appeared before the board for this proposal.

MR. FRANCAN: My name is Frank Francan, I just recently purchased a building out on 67 John Street, which is on the other side of 9W. Before I purchased, I purchased it for a number of reasons, one is hopefully to secure my future also to have a place to live because my parents will be moving no Florida, eventually. And I was hoping to make my life little easier and also cause I don't know what taxes and things will be like in the future and I'm self-employed, that I would like to try to do this. I have a few pictures and a layout plan, excuse me, I didn't make copies for everyone. So if I can just, and these are a few pictures of the houses. Number one is a house which is on the left, if you are facing the house at 67 John Street which I purchased is a two family, a multi-family house. Number two picture would show you the house on the right-hand side that is also multi-family. The third picture would show you houses in the rear to me which is also a number of multi-family houses and as you get to number 4, which would be the kind of the same as number two, it just shows you that further down the street are other multi-family dwellings. And also as another exhibit, I do have my layout and some intentions I bought the house kind of in dilapidated state and would like to repair it.

MR. NUGENT: The problem that I see with this application is that the PI zone is really not relevant to that area anymore. It used to be the candle factory down the bottom of the hill, which is gone.

MR. KANE: But it's still zoned PI and it's a permitted use in that area.

MR. BABCOCK: There should be a tax map on the back.

MR. LANGANKE: How come we have got all this multiple zoning?

MR. NUGENT: They were all there.

MR. KANE: So, he is going for a use variance, it doesn't say that.

MR. TORLEY: If he kept it as a single family house, it would be continuation of a non-conforming use.

MR. BABCOCK: That is correct, it's a single family non-conforming use in a PI zone.

MR. KANE: So the PI zoning came in after the houses were there?

MR. BABCOCK: That is correct.

MR. TORLEY: Does he have to meet the hurdle of a use variance?

MR. NUGENT: Was that ever a two family, do you know?

MR. FRANCAN: No, not that I can say for sure.

MR. TORLEY: Is it being taxed as a single or two?

MR. BABCOCK: To my knowledge, I didn't check that apparently, we checked that somewhere.

MR. FRANCAN: I believe so, I would say it was taxed as single.

MR. BABCOCK: If it was taxed as two family, I probably would have given him a building permit.

MR. FRANCAN: I had not, the selling realtor brought this up to me, and my realtor, it was something I kept in mind.

MR. BABCOCK: The only thing our records say it was built in 1920 therefore there's no C.O.

MR. FRANCAN: And when I did go and purchase the

building, there was no C.O. at the closing, it was directed to me that there was no real use for the building, I mean, it was done before codes, from all the attorneys present at that and also states that there was no C.O.

MR. KANE: So Andy, even though the other homes there are non-conforming but they are all two-family homes, he still needs prove all the necessary items under a use variance?

MR. KRIEGER: Yes, that is correct, even if it is consistent with the neighborhood. The state requires all the use variances.

MR. KANE: He can probably knock off most of them except for the number one which is reasonable return.

MR. KRIEGER: Yes, that is the way the state has written them, yes.

MR. LANGANKE: The board seems to be hung up on this reasonable return. Isn't that the provision that was changed last year so that use variances could be granted because prior to that, it was impossible?

MR. KRIEGER: I don't know if it was changed, yes, and before that it was, before the change, it was impossible because the statute before it was changed read any return.

MR. KANE: Is reasonable return subject to our interpretation as to what reasonable return is?

MR. LANGANKE: That is why they said that because this variance could be granted.

MR. KANE: But in this circumstance.

MR. KRIEGER: Yes, but--

MR. TORLEY: Court cases have held that reasonable is not synonymous with making a profit.

MR. KRIEGER: Yes, there's room for interpretation,

however, the cases both before and after the change have restricted that discretion, it isn't unfettered, you can't, just you haven't got a totally free hand here.

MR. LANGANKE: We're not asking for a totally free hand at all.

MR. KANE: What we're looking at in this particular session and we have had a number of uses come in here but in this particular, everything else goes with that, they are all non-conforming use and I don't think it's a troublesome one.

MR. KRIEGER: What would be required and bearing in mind that the state changed the statute. There was little concern about it's practical effect, whether it was work or whether it was even a good idea in order to meet the test of inability to realize a reasonable return, the applicant must show that any return for which is allowed will not produce, which may be possible because of the peculiar place where it is, will not produce a reasonable value to a certain intent subject to interpretation. We know that you don't have to, you don't meet the test by merely showing that it is not profitable. We know that no value at all is by definition unreasonable that is where they started when they realized that that was how shall I say inappropriate so reasonable return subject to interpretation but it lies somewhere in between. As you correctly point out with many of the use variances, there's no chance, however, this being a small parcel in a PI zone designed for industrial use and also having at least there is a possibility that it has limited value in its pre-existing, non-conforming use status, it may not be reasonably salable as a one-family home. So he's got to meet the test, yes, it's possible.

MR. TORLEY: Of course the other alternative that the applicant has to bear in mind since there isn't much industry down there at all, this is a little separate from the felt mill. He might be able to get change back from PI to R-5 or something like that.

MR. NUGENT: That is something he has to deal with at the town board.

MR. KRIEGER: You have, I think what Mr. Torley is pointing out to you is that you have two options open to you at this point, if you are going to apply to this board for a use variance, it's what it would be and it is strictly, it is strictly circumscribed by the court is state statutes have made it very difficult in some cases. It is functionally impossible but it's, I don't say it is with respect to this case, it certainly is difficult to me. It is also possible as a second option that that area may be rezoned, that is done not by this board but by the Town Board, they decide.

MR. FRANCAN: Excuse me, the parcel, it's all the whole area.

MR. KRIEGER: Presumably, in this particular case, even though you are certain is with the parcel, your argument might best apply to a larger area which would by happenstance encompass your parcel.

MR. LANGANKE: But the applicant is concerned with getting this done like in the immediate future and what you're referring to possible rezoning is going to be--

MR. KRIEGER: I'm not advocating.

MR. LANGANKE: I'm just pointing out to the applicant that the alternative that he is mentioning is going to take a lot longer.

MR. TORLEY: You can go both ways at once though, we're saying that if our attorney says use variances are made very hard for us to grant no matter how we feel that you can proceed you may succeed in this case but you can proceed down both roads at the same time.

MS. BARNHART: It's expensive, Larry. If he does both, it's going to cost him over \$1,000 just to apply.

MR. TORLEY: Apply for rezoning?

MR. FRANCAN: Excuse me, on the other hand, in fact

just in respect to the whole area itself, whether both streets I can give you any number of houses in the area why it was ever put into a PI zone, I don't know, I don't know in fact I have no control over that. I mean I'm sure when this map was done, I don't know when that was in effect that I am sure they took into account for all the multi-family dwellings, I don't see any industrial things there. I don't know why I am getting penalized for it, for some kind of situation that I am just trying to monetarily keep myself in order and I'm putting a lot of money into the building and it's not coming from anywhere other than my own hands.

MR. TORLEY: We just want to lay out all your options.

MR. FRANCAN: I understand you're saying generally it's just that I'd like to know exactly what.

MR. LANGANKE: Then the point I'm trying to make is that if I were him, I think I would just proceed on the course that he presently is without looking into all the alternatives at the same time.

MR. BABCOCK: It's a \$500 application fee to the Town Board and \$5.00 per acre plus a \$2,500 escrow at the time of the application.

MR. NUGENT: I'll accept a motion.

MR. LANGANKE: I would just like to say that when you do come back for a public hearing, I would like to see your case documented a little bit more in detail to give us every ability to say yes, if at all possible. You know, you're going to have to do a better job as presenting your evidence, some better pictures, houses.

MR. KRIEGER: I'm going to give you, before you leave, some criteria, the criteria on which the Zoning Board must decide. You have to understand that the Zoning Board is a creature of State Law. Its powers only extend as far as the State Law gives it power and its powers end where it says stop, it has nothing to do with them individually with their feeling or collectively. They have to follow the law, the State Law in this regard. What we have been talking about is

there has been a change in the State Law effective last July.

MS. BARNHART: July '94.

MR. KRIEGER: With respect to the criteria that the Zoning Board must consider, I'll give you a sheet with those items. The more difficult of those criteria is that the applicant must show by dollars and cents proof that the land as zoned presently will not yield a reasonable return on and that means that you have to go through all the permissible uses of that land, you can't use it nor you can't use it for that, you have got to cover all of them. And you have to cover in dollars and cents proof that means that you can't come in and say well, you just do it yourself and say well, gee wiz, everybody knows, everybody doesn't know. You have to have expert testimony, that it is worth X number of dollars, if it's used for this use. If it's just going down each one of the uses with respect to that. It's been indicated here in many cases when a use variance is applied for that turns out to be a hurdle which is too high for many to meet. Your property has apparently some peculiar circumstances with respect to its zoning in a PI zone and so forth. But you're going to have to present evidence to the board in dollars and cents proof, it's worth X if you use it for this use, it's worth Y if you use it for this use.

MR. FRANCAN: In like a real test of proof would be like a bank's appraisal or something to that effect?

MR. KANE: Or that a business couldn't come in, that the property isn't big enough for them to put a business there and be profitable. So they wouldn't be interested in what the area is zoned for.

MR. KRIEGER: The problem with the bank appraisal in many cases it doesn't specify the use doesn't tie them into the possible uses.

MR. LANGANKE: How about letters from realtors expressing their opinion?

MR. TORLEY: I would go for that.

MR. KRIEGER: Well, he certainly has to have--

MR. LANGANKE: Gives you a little documentation. You're going to have to do your homework and research and you have to present your case and you have got to provide us with the evidence that we can look at and make a decision and say yes, here it is.

MR. TORLEY: One thing you might want to bring out is that any permitted use for this building you'd be asking for a really enormous lot area variance and we're required not to grant only minimal variances so that may be something you can use.

MR. KRIEGER: It would be part of arguments that the land is simply not usable for its use with respect to letters from realtors, it is within the board's discretion what weight they'll give to them. If you don't have a realtor of whom questions can be asked, whether the letter is adequate or not, that is something that the board will have to decide at the time. The difficulty you run into is if they decide they are not adequate there you're at the public hearing.

MR. KANE: See after you get the use variance, you're also going to need the variances required for a two-family house on that particular small piece of property.

MR. NUGENT: But that particular piece is not real small.

MR. FRANCAN: No, in fact, there's 3 lots there.

MS. BARNHART: He hasn't been cited for other variances, only this one.

MR. KRIEGER: It may be a large parcel for two-family house and still be unsuitably small for PI uses.

MR. NUGENT: Single family is not even allowed in that, not even allowed.

January 9, 1995

20

MR. TORLEY: I move we set Mr. Fancan up for a public hearing with regard to his request.

MR. LANGANKE: I'll second it.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

Prelim
Jan. 9, 1995
#95-1

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: DECEMBER 9, 1994

APPLICANT: FRANK FRANCAN
23 QUASSAICK AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: DECEMBER 9, 1994

FOR (BUILDING PERMIT): CONVERTING A ONE (1) FAMILY TO A TWO (2)
FAMILY DWELLING

LOCATED AT: 67 JOHN STREET

ZONE: PI

DESCRIPTION OF EXISTING SITE: SECTION: 14, BLOCK: 1, LOT: 13
ONE FAMILY HOME

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. A TWO (2) FAMILY HOME IS NOT A PERMITTED USE IN A PLANNED
INDUSTRIAL ZONE.

Arnot Schmitt

BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: PI	USE 48-25 B	

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

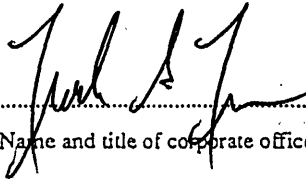
OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises FRANK G. FRANCON
Address 67 JOHN STREET Phone Home 562-6712
Name of Architect FRANK G. FRANCON
Address 23 QUASSAICK AVE Phone 512-6712
Name of Contractor FRANK G. FRANCON
Address 243 HUNTER AVE DEPT Phone 512-6712

15 QUASSAIC AVE
State whether applicant is owner, lessee, agent, architect, engineer or builder.....EVERYTHING.....

If applicant is a corporation, signature of duly authorized officer.


(Name and title of corporate officer)

1. On what street is property located? On the SOUTH side of 67 JOHN SMEETS
(N.S.E. or W.)
and 100 feet from the intersection of RT 9W AND JOHN SMEETS EAST
2. Zone or use district in which premises are situated PLACED INDUSTRIAL Is property a flood zone? Yes..... No. ☒
3. Tax Map description of property: Section..... Block..... Lot.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy SINGLE FAMILY b. Intended use and occupancy 2 FAMILY
5. Nature of work (check which applicable): New Building..... Addition..... Alteration ☒ Repair ☒
Removal..... Demolition..... Other.....
6. Size of lot: Front Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot? NO
7. Dimensions of entire new construction: Front SAME Rear SAME Depth SAME Height SAME Number of stories 2
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms 4 Baths 2 Toilets 2
Heating Plant: Gas ☒ Oil..... Electric/Hot Air..... Hot Water.....
If Garage, number of cars 0
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost 15,000 Fee —
(to be paid on this application)
11. School District NEWBUSH

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....12/8.....19.....94.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant)

23 Quaker Ave., N.W.
.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings, the structure and its location.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.

